

From: Bob Ortiz <[rortiz4388@gmail.com](mailto:rortiz4388@gmail.com)>  
Subject: **Copy of response fro IG Dept Ag**  
Date: June 20, 2012 3:53:02 PM MDT  
To: Joey Peters <[joey@sreporter.com](mailto:joey@sreporter.com)>  
1 Attachment, 18.1 KB

RE: Request for Reconsideration to Open Fraud Investigation I Requested- NM WIC

Inbox x



**HENDERSON, GREG** [GREG.HENDERSON@oig.usda.gov](mailto:GREG.HENDERSON@oig.usda.gov)

May 15

to me, MARY

Mr. Ortiz,

On May 14, 2012, I met Mel Pickrell, the FNS, Regional Director for Financial Management and Jeff Wingate, the Grants Management Section Chief regarding your ongoing concerns. During our meeting they notified this office that the NMDOH was continuing to cooperate to resolve this matter as outlined in the FNS, financial management review completed in 2010. At this time FNS is preparing to ask NMDOH to repay approx. \$500,000 as a result of the audit findings. Jeff Wingate will forward a copy of the repayment request to me once issued. Additionally, FNS will conduct a review on the NMDOH WIC Program for 2011, beginning this summer in order to verify the controls put in place during the last review were effective.

As I mentioned to you per our phone conversation, it is my opinion that this matter is administrative in nature, and not a criminal matter. FNS has identified the issues with the State's WIC Program accounting errors and is taking steps to resolve these issues. If you have any specific questions regarding FNS' actions in regards to this matter please contact Jeff Wingate directly at [214-290-9831](tel:214-290-9831). He would be the individual most qualified to address your concerns.

This matter will be filed as an official declination to schedule an investigation for future reference.

v/r,

Greg Henderson

Assistant Special Agent-in-Charge

USDA-OIG-Investigations

1114 Commerce Street, Room 202

Dallas, Texas 75242

[greg.henderson@oig.usda.gov](mailto:greg.henderson@oig.usda.gov)

[214-767-4604](tel:214-767-4604)

[214-767-8508](tel:214-767-8508) (fax)



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**From:** Bob Ortiz [<mailto:rortiz4388@gmail.com>]  
**Sent:** Wednesday, May 09, 2012 10:45 AM  
**To:** HENDERSON, GREG  
**Subject:** Re: Request for Reconsideration to Open Fraud Investigation I Requested- NM WIC

Mr Henderson,

As requested, I am still concerned that the \$1.7M journal entry has not been addressed. The NM Department of Health owes that money to the WIC Program. The money was drawn against FFY09 and the costs are FFY08. This was discovered as part of the FY2008 FNS-978 reconciliation. The NMDOH did intentionally reversed the entry that corrected this so they could justify keeping the FY09 WIC \$1.7M. The FY 2008 variances (a judgemental sample) on page two of the WIC Audit report support my allegation with variances of \$510K and \$492K, that NMDOH owes money. The question is how much? The only way to satisfy me is to look at the original journal entry/ reversing entry and determine if it validates that the costs are indeed FY 2008 or FY009 and have NMDOH pay the money back.

Thank you

Bob Ortiz

[505-466-4388](tel:505-466-4388)

On Wed, May 9, 2012 at 6:55 AM, HENDERSON, GREG <[GREG.HENDERSON@oig.usda.gov](mailto:GREG.HENDERSON@oig.usda.gov)> wrote:

Mr. Ortiz,

When attempting to download and or view the attached docs. I keep getting the error message below.

We're sorry, but your Gmail account is temporarily unavailable. We apologize for the inconvenience and suggest trying again in a few minutes.

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Please take a look and forward them to me again.

Thanks,

Greg Henderson

Assistant Special Agent-in-Charge

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**From:** Bob Ortiz [mailto:[rortiz4388@gmail.com](mailto:rortiz4388@gmail.com)]

**Sent:** Tuesday, May 08, 2012 10:07 PM

**To:** HENDERSON, GREG

**Subject:** Request for Reconsideration to Open Fraud Investigation I Requested- NM WIC

Hr Henderson

By this email I asking that you refer my current request to SAC Mary Lewis.

Based on the WIC Financial Management Review that I have attached I believe that I would like to ask that the fraud investigation be pursued.

I have attached a string of emails between Mikie Mulligan (the ASD Director) in which after I stated the cost correction moved the cost out of FFY09 to the Correct year FY08. Mr Mulligan incriminates his actions as fraudulent in the following statement; "I am merely proposing that the expenditures posted in SHARE to the FFY08 WIC Food Grant be reduced to the level consistent with the NOGA. "

This is not permitted: **2 CFR Part 225**

**Cost Principles for State, Local, and Indian Tribal Governments**

C. Basic Guidelines

3. Allocable costs

c. Any cost allocable to a particular Federal award or cost objective under the principles provided for in 2 CFR part 225 may not be charged to other Federal awards to overcome fund deficiencies, to avoid restrictions imposed by law or terms of the Federal awards, or for other reasons.

Thank you

Bob Ortiz

[505-690-9193](tel:505-690-9193)